

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The proposed amendments would:

- Clarify that medical assistance is available for a child for whom Iowa or another state has negotiated an agreement for adoption assistance, regardless of whether that agreement includes a maintenance payment.
- Allow for direct deposit of warrants issued under the Health Insurance Premium Payment (HIPP) program to reimburse the cost of premiums that cannot be paid directly to the insurance carrier.
- Eliminate the requirement for mailing a change report form with every HIPP warrant.
- Update form numbers.

The changes regarding adoption assistance are made to comply with the requirements of the Interstate Compact for Adoption Medical Assistance (ICAMA). Assistance agreements may be negotiated for medical assistance only.

The changes to the HIPP rules will increase efficiency and accuracy of delivery of HIPP reimbursement and generate administrative savings. Participation in direct deposit will be voluntary for the member.

These amendments do not provide for waivers in specified situations because they benefit the persons affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before December 8, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code sections 249A.3 and 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 75.1(10), introductory paragraph, as follows:

**75.1(10)** *Individuals under age 21 living in a licensed foster care facility or in a private home pursuant to a subsidized adoption arrangement for whom the department has financial responsibility in whole or in part.* When Iowa is responsible for foster care payment for a child pursuant to Iowa Code section 234.35 and rule 441—156.20(234) or has negotiated an adoption assistance agreement to pay an adoption subsidy for a child pursuant to rule 441—201.5(600), medical assistance shall be available to the child if:

ITEM 2. Amend paragraphs **75.1(16)“c”** and **“d”** as follows:

- ~~Another state is currently paying~~ has an adoption subsidy assistance agreement in effect for the child.
  - ~~The state paying with the adoption subsidy~~ assistance agreement:
- (1) and (2) No change.

ITEM 3. Amend paragraphs **75.2(1)“a”** and **“b”** as follows:

*a.* Persons who have been approved by the Social Security Administration for ~~supplemental security income~~ Supplemental Security Income shall complete Form ~~470-2304, 470-2304(S), 470-0364, 470-0364(M), 470-0364(MS), or 470-0364(S)~~, SSI Medicaid Information, and return it to the department.

*b.* Persons eligible for Part B of the Medicare program shall make assignment to the department on Form ~~470-2304, 470-2304(S), 470-0364, 470-0364(M), 470-0364(MS), or 470-0364(S)~~, SSI Medicaid Information.

ITEM 4. Adopt the following new paragraph **75.21(9)“e”**:

*e.* Reimbursements may also be paid by direct deposit to the member’s own account in a financial institution or by means of electronic benefits transfer.

ITEM 5. Amend paragraph **75.21(11)“e”** as follows:

*e.* The policyholder shall report changes that may affect the availability or cost-effectiveness of the policy within ten calendar days from the date of the change. Changes may be reported by telephone, in writing, or in person. ~~The department sends a HIPPA Change Report, Form 470-3007, with all premium payments.~~